

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

United States of America	)	
	)	
	)	Cr. No. 6:03-1092
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
Jerry Davis, Jr.,	)	
	)	
Defendant.	)	

This matter is before the court on a motion to review the order of detention of Jerry Davis, Jr. (“Davis”) pending trial, issued by United States Magistrate Judge Bruce H. Hendricks in accordance with 28 U.S.C. § 636(b)(1) (West Supp. 2005) and Local Rule 73.02 DSC. Davis, a pretrial detainee, seeks a hearing and de novo review of Magistrate Judge Hendricks’ detention order. In his motion, Davis offers no new evidence that was not presented to the Magistrate Judge, either in the motion for bond Davis filed on October 11, 2005, or at the bond hearing. As such, the court finds that an additional hearing is unnecessary. See United States v. Koenig, 912 F.2d 1190, 1193 (9th Cir. 1990) (finding that, while the court may hold additional evidentiary hearings if necessary, it is not required to do so and may rely on the evidence that was before the Magistrate Judge when no new evidence is offered); United States v. Williams, 753 F.2d 329, 334 (4th Cir. 1985) (“[I]n most cases, a trial court’s review of a transcript of proceedings would, either as part of a *de novo* detention hearing, or as part of a review of a detention order under 18 U.S.C. § 3145(b) be sufficient to withstand appellate review.”)

Davis's objections consist of conclusory objections to the Magistrate Judge's decision and of essentially the same arguments that Davis made before the Magistrate Judge in his motion for bond and at the hearing. After a de novo review of the pleadings and the evidence developed at the hearing before the Magistrate Judge, the reasons given by the Magistrate Judge for ordering Davis to be detained, and Davis's objections, the court finds that Davis's objections are without merit, and the Magistrate Judge did not err in detaining Davis pending trial. As such, the court expressly adopts the Magistrate Judge's pretrial detention order. See United States v. King, 849 F.2d 485, 490 (11th Cir. 1988) (declaring that after reviewing the evidence, "[t]he court may then explicitly adopt the magistrate's pretrial detention order. Adoption of the order obviates the need for the district court to prepare its own written findings of fact and statement of reasons supporting pretrial detention.")

**IT IS SO ORDERED.**

s/ Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
November 7, 2005

**NOTICE OF RIGHT TO APPEAL**

Defendant is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.